

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.634 of 1998

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For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 : NO

YAKUB RASOOL MALEK

Versus

DISTRICT DEVELOPMENT OFFICER

Appearance:

MR RC JANI for Petitioner
Ms. Katha Gajjar, AGP for respondents nos.1 and 2.
MR SV PARMAR for Respondent No.3.

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 23/06/98

ORAL JUDGEMENT :

Heard Shri R.C. Jani, learned advocate for the petitioner; Ms.Gajjar, learned AGP for respondents nos.1 and 2; and Shri S.V. Parmar, learned advocate for respondent no.3.

2. Rule has been issued on 3.2.1998. All the advocates have been heard. There were allegations of

misuse of position against the Sarpanch. Thereafter the District Development Officer passed an order removing him from the office under sec.57(1) of the Gujarat Panchayats Act, 1993, and an appeal was preferred to the State Government, which was heard by the Additional Development Commissioner, who confirmed that order. Being aggrieved by that order this petition has been filed.

3. The main submission of Shri Jani, learned advocate was that there were number of documents, which ought to have been considered. He is given liberty to apply for review and tender them to the Additional Development Commissioner. The matter before the Additional Development Commissioner will stand reopened. He will reexamine the matter in the light of documents which the petitioner intends to tender before him. The Additional Development Commissioner will decide the matter afresh expeditiously and preferably by the end of July 1998.

4. In the meanwhile the petitioner will hand over charge to Upa Sarpanch until the matter is heard and decided. In the event the petitioner succeeds the consequences will follow.

5. The petition is disposed of. Rule is accordingly discharged. Interim relief is vacated. Direct service is permitted. No order as to costs.

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